

**AN ORDINANCE AMENDING ARTICLE 18-4 OF THE WINCHESTER
ZONING ORDINANCE TO ENACT PROVISIONS DEALING WITH
RESIDENTIAL OCCUPANCY STANDARDS
TA-05-05**

*Ed. Note: The following text represents an excerpt of the Zoning Ordinance that are subject to change. Words with ~~strikethrough~~ are proposed for repeal. Words that are **boldfaced and underlined** are proposed for enactment. Existing ordinance language that is not included here is not implied to be repealed simply due to the fact that it is omitted from this excerpted text.*

New

Section 18-4

Intent; The purpose of this Section is to promote the health, safety and general welfare of the public within the residential section of the City of Winchester by providing occupancy standards set forth in this section. Notwithstanding any other provision of this Ordinance, occupancy of dwelling units shall be limited to the maximum number of occupants allowed by this Section, to protect against threats to neighborhood quality that can accompany overcrowding of land, or undue density of population in relation to existing or available community facilities caused by excessive occupancy.

Occupancy of Dwelling Units

18-4-1

In any district in which residential uses are allowed or legally exist, a Dwelling Unit, as defined in Section 1-2-31 of this Ordinance must be occupied by a Family as defined in article 1-2-36, (definition of "family") of this Ordinance for residential purposes as its principal use. Any occupancy by any other entity or person(s) shall constitute a violation of this Ordinance.

18-4-2 Single-Family, Townhouse, or Two-Family Residential Occupancy

The number of adult occupants in a single-family, Townhouse or two-family house is based upon the size of the entire dwelling unit. The following table outlines these limits for single and two-family dwelling units.

<u>Livable Floor Area of Dwelling Unit (in square feet)</u>	<u>Maximum Number of Adult Occupants*</u>
<u>1 to 1,200</u>	<u>4 adult occupants</u>
<u>1,201 to 1,750</u>	<u>5 related adult occupants</u>
<u>1,751 to 2,400</u>	<u>6 related adult occupants</u>
<u>2,401 to 3,150</u>	<u>7 related adult occupants</u>
<u>3,151 to 4,000</u>	<u>8 related adult occupants</u>
<u>4,001 to 4,500</u>	<u>9 related adult occupants</u>
<u>4,501 to 5,000</u>	<u>10 related adult occupants</u>

- Adult occupant means any individual 18 years of age or older, living or sleeping in a building for more than thirty days in a given year and/or who uses the dwelling as their legal address.
- Livable Floor Area means any section of the dwelling unit that provides adequate light, heat and electrical service and is not already designated as a closet or bathroom.

In a condominium or Multifamily units, the number of adults allowed is calculated by taking the square footage of the dwelling unit and dividing by 200. The result gives the number of adults who may live in that dwelling unit according to this standard. Occupancy shall also conform to the limits prescribed in Sections 18-4-4 and 18-4-6 of this Ordinance.

18-4-3 Occupancy Standards for Bedrooms

One occupant per bedroom requires at least 70 square feet of bedroom floor area. Two or more occupants requires at least 50 square feet of bedroom floor area per person. The table below specifies the maximum number of occupants per room that would be allowed in a specified dwelling unit based on the floor area of each designated bedroom.

Required Bedroom Area

<u>Minimum Bedroom Size (square feet)</u>	<u>Maximum Number of Occupants per Room*</u>
<u>70</u>	<u>1</u>
<u>100</u>	<u>2</u>
<u>150</u>	<u>3</u>
<u>200</u>	<u>4</u>

- Number of occupants includes adults and children.

18-4-4 Requirements for Bedroom Classification

- Two means of exit must be available from a bedroom, with one being a door or window leading directly to the exterior.
- A window exit must have a width of at least 20 inches, a height of at least 24 inches, and a clear opening at least 5.7 square feet in area. A window sill may be a maximum of 44 inches.
- An exit must not lead through another sleeping area or a bathroom.
- Sleeping rooms built after 1996 must have an electrically-powered smoke detector, interconnected with smoke detectors in other sleeping rooms.

18-4-5 Living Space Requirement

When determining the maximum occupancy load for a dwelling unit, the table below mandates the minimum required areas that can accommodate the occupant's living space. This minimum square footage must be in addition to the required Occupancy Standards for Bedrooms set out in Section 18-4-4 of this Ordinance.

<u>Required Livable Space</u>	<u>Minimum Area in Square Feet</u>		
	<u>1-2 occupants</u>	<u>3-5 occupants</u>	<u>6 or more occupants</u>
<u>Living Room</u>	<u>No requirements</u>	<u>120</u>	<u>150</u>
<u>Dining Room</u>	<u>No requirements</u>	<u>80</u>	<u>100</u>
<u>Kitchen</u>	<u>50</u>	<u>50</u>	<u>60</u>

- Number of occupants includes adults and children.

18-4-6

An owner of a dwelling unit that occupies or allows the occupancy of a dwelling unit by a number of occupants in excess of the maximum occupancy prescribed shall forthwith lower the occupancy to a level consistent with the limits of this Ordinance. An occupant of a dwelling unit occupied by a number of occupants in excess of the maximum occupancy here prescribed shall forthwith lower the occupancy to a level consistent with the limits of this Ordinance.

18-4-7

The Administrator or one of his /her agents is authorized to investigate incidences of possible excessive occupancy in the City. In exercising the powers granted by this section, the Administrator or the designated agent may inspect buildings according to the procedures set out in Code of Virginia, §§ 15.2-1745 & 27-98.2 (as amended) Upon the Administrator's conclusion that there exists excessive occupancy of a dwelling unit, the Administrator, on behalf of the City, may seek an injunction to limit, lower or control the number of occupants in the dwelling unit.

18-4-8

When determining if excessive occupancy exists in a dwelling, the Administrator or one of his/her agents shall conduct an investigation and keep the findings on file for a period of no less than five years. The investigation will collect information about indicators of excessive occupancy including, but not limited to : number of vehicles stored and registered at the dwelling, water usage, amount of trash, number of complaints from surrounding property owners, and number of people seen entering and exiting the dwelling at various times during the day.